



To: The Clerk of Court ~~to~~ Judge Martin
US Bankruptcy Court Glenn
Southern District of New York
1 Bowling Green
Alexander Hamilton Custom House
New York, New York 10004-1408

RE: Case # 12-12020MG (ResCap Case)

Date: 06/16/15

Please enclosed for filings with the Court
Creditors: -
1. Motion to Compel Discovery with its attachments
and
2. Creditors Motion for Enlargement of time to
resolve and complete Discovery
on the above-stated ResCap Case
Please do file accordingly.

Via: Priority Mail

from: Sylvia Emobata
Tel (512) 792-9978
(512) 791-2395.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Residential Capital LLC, et al

Debtors

Case No. 12020 (MG)

Chapter 11

Jointly Administered

**CREDITORS MOTION TO COMPEL DISCOVERY
ON CLAIMS NOS. 3910 & 4085**

TO THE HONORABLE JUDGE MARTIN GLEN:

1. Creditors Philip Emiabata and Sylvia Emiabata with respect to our claims Nos. 3910 & 4085 respectfully moves the court for an order to compelling the Borrower Claim Trust (as well as the Liquidating Trust) to provide to creditors herein answers to all of the Disclosures & Discovery request, production of documents, et al.
2. Creditors have requested the Trust/its Counsel to voluntarily submit answers, disclosures and produce the documents requested for sometime now-precisely since June 1, 2015.

Attached is the three pages Discovery request numbering from paragraphs 1 -18.

3. (a) Creditors has asked for these discoveries and production of documents not only as information; but also as provided by the Federal Rules of Civil Procedures (FRCP)/ the Bankruptcy Rules.

(b) it will be recalled that in creditors original/first response or Opposition to ResCap Borrowers Claim Trust eighty –second omnibus objection to claims; point to this discoveries. Which disclosures and discoveries will enable us the creditors to put a full response. And moreso, use same during trial.

4. (a) Till date being June 16, 2015, creditors/claimants have not gotten the stated discovery request.

Hence this Motion to compel discovery, because creditors will not allow their hands to be tied or playing of ambush. As this is a Motion whereby the movant (The Trust)are seeking from this Bankruptcy court to grant them and expunge the debt they owed to us. Which the ~~Creditors~~ prior to this debtors Chapter 11 bankruptcy was seeking for a redress and damages from the Federal District court of Massachusetts Case # 11- CV-11885.

(b) And most importantly there has not been trial or adjudication for debtors acts for which creditors/Plaintiffs in that Federal District court case seek for a redress and to be made whole.

5. Creditors need these disclosures and discoveries, production of documents, records; for which also this bankruptcy court should compel the Trust to do so. Because these are the Movant(s) in their Eighty-second omnibus objection to claims Motion plus their Affidavits stated over and over again that they “studied”, “examined” books and records of the debtors Residential Capital LLC, with its affiliated debtors before they put this objection to claims they are seeking from this bankruptcy court to expunge.

In other words seeking from this court not only to grant them the order; but to “expunge”; that is as even no wrong was ever done to creditors. When issues of Subprime Loan, shortage of acreage in land, Securitization of creditors loan, bad faith, dual tracking, et al – see creditors/plaintiffs case at the Federal District court in Massachusetts that was not adjudicated supra.

6. Hence this disclosures and Discovery and Production of Documents/Records are highly important for the sake of justice and right to free and fair trial.
7. Point of note here, the Federal District court in Massachusetts closed creditors case overthere, on the ground and belief that the issues creditors as plaintiffs –pleaded and seek relief from in that Federal court will be resolved by the Bankruptcy court. Thus without all these disclosures and discoveries, production of documents/ records and a full trial; how can all these issues be resolved through this eighty –second omnibus objection to claim.

WHEREFORE, creditors respectfully request that the court compel the Borrowers Claim Trust to provide the disclosures and discovery, produce the documents to the creditors.

June 16, 2015

/s/ Philip Emiabata & Sylvia Emiabata
508 Evening Grosbeak Drive
Pflugerville TX 78660
Tel. (512)791-2395;
(512)992-9998
Pro se Creditors

CERTIFICATE OF SERVICE

A Copy of this “Creditors Motion to Compel Discovery.....” was served June 16, 2015 via US first class mail on the named below:

Morrison & Foersters LLP (ATTN: Norman S. Rosenbaum, Jordan A. Wishnew and
250 West 55th Street, Jessica J. Arett)
New York, NY 10019

TO: Counsels for The ResCap Borrowers Claims Trust
Morrison & Forester LLP
250 West 55th street
New York, New York 10019
ATTN: Norman S. Rosenbaum
Jordan A. Wishnew
Jessica J. Arett

June 1, 2015

CREDITORS REQUEST FOR DISCLOSURES AND DISCOVERY, REQUEST FOR PRODUCTIONS IN RESIDENTIAL CAPITAL, ET AL (EIGHTY – SECOND OMNIBUS OBJECTION TO CLAIM) - CLAIMS NOS. 3910 & 4085.

The creditors/ claimants herein Philip and Sylvia Emiabata hereby request for disclosures and discoveries, production of documents and Interrogatories regards this eighty – second omnibus objection to claim. And creditors are requesting these discoveries, production of documents and interrogatories as provided by the Federal Rules of Civil Procedure (FRCP):

1. (i) How many cases have the ResCap Borrower Claims Trust (The Trust) and the Liquidating Trust has resolved since its / their establishment? Which thus, also include the ones negotiated.
(ii) Creditors want the production of all the documents in resolving them (case). Including the cases that were negotiated.
(iii) What are the names, races, the genders and the reasons of reaching those Settlements, Negotiations.
2. We want all documents, all evidence, that support your in reaching on those cases that were not resolved.
3. (a) Since the establishment of the Borrower claim trust, creditors want your to provide to them, with documents of how much funds so far has come in to from these debtors (ResCap) Chapter 11 case –including transferred funds.
(b) How much of these funds have been disbursed.
(c) And to whom (these include companies, all entities)
(d) And how much was disbursed to each individuals or entities.
Please enclose all documents and disclosure materials evidencing these.
4. Under Article VIII. A. 3 of the Plan provides that the Liquidating Trust and you –The Trust has the exclusive authority to “withdraw, or litigate to judgment, objections to claims or equity interest.....”
(a) List how many case(s) that was withdrawn
(b) Documents of ones that your litigated and reasons for such - include their names, races, gender, et al

5. (a) Provide to creditors—the list, documents and amount so far paid out to individual Law firms/ counsels engaged in this debtors Chapter 11 case as established by the Plan. This includes the Borrower claim Trust, ResCap Liquidating Trust, et al.
(b) Creditors want all documents depicting the percentage of the total amounts paid to these Law firms/Counsels from this fund of this Chapter 11 Bankruptcy of debtors.
(c) Who are the owners, partners in these Law firms, with documents showing thus.
(d) What are these Law firms relationships anytime with debtors (Residential Capital LLC, et al) in this Chapter 11.
6. (a) How many case(s) were resolved by Settlement reached between your and some creditor(s) , that is out of court settlement.
(b) Please provide to creditors their names, races and genders.
(c) How much is involved in the individual settlements.
(d) All documents evidencing all these.
7. Produce all the documents that made Residential Capital LLC, with its affiliated debtors reach a Settlement with US Attorneys of Delaware, New York and Massachusetts that prevented the Debtors not to be prosecuted criminally.
8. Provide creditors with documents why creditors (Philip & Sylvia Emiabata) were not paid out of that stated Settlement at paragraph 7 above.
When creditors case # 11-CV-11885GAO was pending in Federal District court before debtors reached their settlement with the said US Attorneys of Delaware, New York, Massachusetts (where our case was pending). Which case was also based on similar legal issues.
9. Further in this para. 8 above, provide us with documents why we (creditors) were not included by the debtors in that Government Settlement with said US Attorneys (supra) when creditors never a time waive their rights not to be part of that Settlement; as creditors has a pending case at the time of settlement . Whereby the case was pending during the stated Settlement.
10. Produce to creditors; the books, records as regards the land/acreage of this said property at 508 Evening Grosbeak Drive, Pflugerville TX.
11. We want the Borrowers Claim Trust and Liquidating Trust who through the Affidavits of Kathy Priore (Associate Counsel for ResCap Liquidating) and Norman S. Rosenbaum (Counsel for Borrowers Trust); stated that they study, the records, read the documents et al in their affidavits.
Creditors herein, want your to produce the stated documents, records they “study”, “examined”; any other evidence that made them reach their conclusion/ to what the deposed to in their affidavits regarding:
(i) General Non –Liability
(ii) General Service issues
(iii) Origination issue/Including shortage of Land.
(iv) Escrow issues
(v) Wrongful Foreclosures/ Intend Foreclosures
(vi) Loan Modifications
(viii) Interest Rates & fees Collected vis-à-vis Libor, Fixed Rates.....
12. Creditors want all the books, documents pertaining to this Creditors Securitized Loan.
13. Provide documents, records showing what/ how much Residential Capital LLC., with its Affiliated debtors received from TARP (Bailout). For Example like JP Morgan Chase Bank, etc.

14. (a) Provide creditors with Registration documents of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JP Morgan Chase Bank, as Trustee for Residential Asset Mortgage Products, Inc.
(b) Its owners, directors and Shareholders.
15. As your , the Borrowers Claim Trust and the Liquidating Trust has or has" studied", "examined" debtors books, records: provide to creditors – JP Morgan Chase Bank, GMAC Mortgage and Homecoming Financial companies:-
(a) Their Registration documents;
(b) The names of the owners, directors and Shareholders
16. What are the relationships of JP Morgan Chase Bank, GMAC Mortgage, Homecoming Financial has with The New York Mellon Trust Company..... Supra (see para. 14)
17. (a) Provide documents evidencing how much: The New York Mellon Trust Company, N.A. fka The New York Trust Company, N.A.....received from the TARP (Bailout) that is from tax payers.
(b) How much has The New York Mellon Trust , JP Morgan Chase Bank, GMAC/ Homecoming Financial paid back ; and
(c) Evidence and documents showing what percentage of the taxpayers money they have paid back.
18. (a) Provide all documents why this claims (3910 & 4085) cannot be an allowable claims/interest under other subsections of s. 502 of the Federal Rules of Civil Procedure; where a claim such as ours is or are allowed.

Please provide us with these informations, including the production of documents requested. We belief that these discoveries, production of documents, Interrogatories, can be provided to us Asap as most of the documents originated from your and which your made available to the above US Attorneys supra. Moreso, quote your in your Eighty – second omnibus objection to claims motion, with its attached affidavits showed that your are conversant with the documents; studied and examined the documents, records, et al we now seek.

Thank you

From /s/ Philip Emiabata & Sylvia Emiabata
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Pflugerville TX 78714
Tel. # (512) 791 2395;
(512) 992 9998